

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
BRIAN S. MILLER, JUDGE

DIVISION II

CA07-090

June 20, 2007

ROBIN MORGAN  
APPELLANT

v.

ARKANSAS DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
APPELLEE

AN APPEAL FROM THE STONE  
COUNTY CIRCUIT COURT  
[JV-05-31]

HONORABLE STEPHEN CHOATE,  
JUDGE

AFFIRMED

This is an appeal of the November 2, 2006, order terminating appellant Robin Morgan's parental rights. Morgan concedes that the termination of her parental rights was in the best interest of her children. On appeal, Morgan only asserts that the Arkansas Department of Health and Human Services failed to prove that it employed meaningful efforts to rehabilitate her and to correct the conditions that caused the removal of her children. We affirm.

Morgan's four children, C.M. (d/o/b 3/26/89), K.C. (d/o/b 11/25/98), B.C. (d/o/b 12/27/01) and T.C. (d/o/b 04/03/03), were removed from her home in June of 2005 due to environmental neglect. The children were adjudicated dependent neglected on July 5, 2005, and reunification was set as the goal. Morgan signed a case plan developed by DHHS that

required her to obtain counseling and medication for her depression, secure a home and employment, and attend parenting classes.

On August 31, 2006, DHHS filed a petition to terminate Morgan's parental rights to K.C., B.C. and T.C., alleging the following: that the juveniles were adjudicated by the court to be dependent-neglected on July 5, 2005, and had continued out of the home for more than twelve months; despite meaningful efforts by DHHS to rehabilitate Morgan's home and correct the conditions that caused removal, Morgan had failed to remedy the conditions that caused removal, in that she failed to establish a safe, stable home, maintain stable employment and income, or follow the case plan; and that Morgan willfully failed to provide material support or maintain meaningful contact with her children.

At the October 25, 2006, termination hearing, Delores Clardy, the DHHS caseworker supervisor, testified that DHHS made meaningful efforts to rehabilitate Morgan's home and to correct the conditions causing her children's removal but that Morgan failed to comply with the case plan. Clardy stated that Morgan failed to maintain a stable home and employment, failed to attend therapy sessions, failed to pay child support, and failed to maintain meaningful contact with the children. Clardy also testified that Morgan moved to Louisiana after her children were removed from her home but that DHHS still attempted to help her by contacting the State of Louisiana on Morgan's behalf and requesting a home study, parenting classes, counseling, and verification of housing and employment. Morgan, however, failed to cooperate and the State of Louisiana would not approve the home study.

Finally, Morgan presented nothing to DHHS documenting compliance with the case plan.

Morgan testified that she moved to Louisiana for a job, but moved back to Arkansas four months later so that she could comply with the case plan. She said that, because she was not attending counseling sessions and did not have a family planning certificate, the State of Louisiana disapproved the home study. Upon moving back to Arkansas, she attended two parenting classes and provided DHHS with documentation of her housing. Moreover, she obtained employment with Sparkman Wood Pallet Company but was laid off one month later. Morgan admitted that she failed to pay child support.

The trial court's order terminating Morgan's parental rights, specifically found:

[I]t to be contrary to the juveniles' best interest, health, safety, and welfare to return said juveniles to the care and custody of the parent and . . . the Department has proven by clear and convincing evidence that:

A. That the juveniles were adjudicated by the court to be dependent-neglected on 7/5/05 and have continued out of the custody of the [parent] for over twelve (12) months and, despite a meaningful effort by the department to rehabilitate the [parent's] home and correct the conditions that caused removal, those conditions have not been remedied by the [parent]. The [parent has] not established a safe stable home, established stable employment, established stable income, or followed the case plan.

B. The [juveniles have] lived outside the home of the parent for a period of over twelve months, and the parent has willfully failed to provide significant material support in accordance with the parent's means or to maintain meaningful contact with the [juveniles].

Although Morgan does not dispute that the termination of her parental rights is in the best interest of her children, she argues that DHHS failed to prove that it employed meaningful efforts to rehabilitate her and to correct the conditions that caused the removal

of her children. We affirm for two reasons. First, DHHS was only required to prove one ground for the termination of Morgan's parental rights and Morgan does not dispute the second ground for termination. Ark. Code Ann. § 9-27-341 (Supp. 2005); *see Moore v. Ark. Dep't of Human Servs.*, 95 Ark. App. 138, \_\_\_ S.W.3d \_\_\_ (2006). It remains undisputed that Morgan's children were out of her home for more than twelve months and that Morgan failed to financially support them or to maintain meaningful contact with them. These factors, coupled with the trial court's determination that termination was in the best interest of the children, are sufficient to affirm. Second, in light of the testimony of Clardy and Morgan, the trial court's finding that DHHS attempted to rehabilitate Morgan but that she failed to cooperate is not clearly erroneous. For these reasons, the trial court did not err in terminating Morgan's parental rights.

Affirmed.

GLADWIN and MARSHALL, JJ., agree.